

REMARKS

Claims 1-9, 11-26, 28-42, 44-61, and 63-80 were pending. No claims have been added or cancelled. Claims 1, 9, 11, 13-15, 19, 26, 28, 30-31, 33, 34, 42, 44, 46, 47, 49, 50, 61, 63, 65, 66, 68-73, 75, 77, and 79 have been amended to clarify the nature of the currently claimed invention. Support for the amendments to claims 9, 26, 42, and 61 may be found in the Specification at least at page 14, lines 13-20. Support for the amendments to claims 11, 15, 28, 31, 44, 47, 63, and 66 may be found in the Specification at least at page 21, lines 2-21. Support for the amendments to claims 13, 33, 49, and 68 may be found in the Specification at least at page 20, lines 4-28. Support for the amendments to claims 14, 30, 46, and 65 may be found in the Specification at least at page 13, line 21 – page 14, line 11. No new subject matter has been added to claims 1, 19, 34, 50, 69-73, 75, 77, and 79. Accordingly, claims 1-9, 11-26, 28-42, 44-61, and 63-80 remain pending in the application.

In the present Office Action, claims 1-9, 11-26, 28-42, 44-61, and 63-80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,240,555 (hereinafter “Shoff”) in view of Fein et al, (U.S. Patent No. 5,897,623, hereinafter Fein). Applicant respectfully traverses these rejections in view of the following discussion.

Claim 1, as amended, now recites a method of script usage including, in relevant part

“executing a script which generates one or more automatic selections associated with the opportunity, the automatic selections comprising input to the interactive application that triggers provision of said added content, the input being input that would otherwise be received responsive to a viewer's active interaction;”

It is noted that the automatic selections comprise input that would otherwise be received responsive to a viewer's active interaction. These automatic selections are associated with the recited “opportunity for the display of added content.” From the standpoint of the interactive application, there is only one operating mode. The

interactive application expects user selections in order to provided the added content. Therefore, from the standpoint of the interactive application the input provided by the automatic selections is indistinguishable from input from the user. In effect the automatic selections are related to the user selections as if they were provided by a robot user.

On page 4 of the present Office Action, the Examiner suggests Shoff discloses

“Executing a script which generates one or more automatic selections associated with the opportunity and based on the indication, the automatic selection comprising input to the interactive application, the input being input that would otherwise be received responsive to a viewer’s active interaction (col. 4, lines 27-34 and col. 9, line 54-col. 10, line 10 and line 59-col. 11, line 67+);”

However, Shoff teaches a system in which some added content is displayed in response to user selections and other added content is automatically displayed. On the one hand, Shoff discloses various soft buttons that a user may select to invoke supplemental content. Alternatively, Shoff discloses automatically invoking other supplemental content. More specifically, Shoff discloses

“The program and supplemental content are displayed as prescribed by the display layout. The digital data from the target resource, however, can dynamically change the display layout. When the display layout is changed (i.e., the “yes” branch from step 184), the viewer computing unit re-sizes and/or reshapes the program boundary 210 and location of the supplemental content to achieve the presentation envisioned by the content developer (step 186). The display layout can be changed for various reasons. The display layout might change in response to viewer selection of a soft button, as is the case causing the display layout change between FIGS. 8b and 8c. The display layout might also be altered automatically as part of the timing information. For instance, the digital data might invoke a graphic or text to pop up on the screen at a timely point in the program. Such real-time content includes, for example, trivia questions, interesting facts, graphical or sound effects, and so forth that relate to specific parts of the program.” (Shoff, col. 11, lines 48-65).

What is to be appreciated from the above is that the automatic invocation of supplemental content is not associated with the opportunities to invoke supplemental

content that are presented to the user, such as Shoff's soft buttons. Instead, Shoff's supplemental content is pre-programmed to dynamically appear on the basis of digital data including timing information. The timing information is neither associated with the soft buttons nor is it used to provide input that would otherwise come from the user. User inputs are made in response to the appearance of the soft buttons. In contrast, pre-timed inputs are not provided in response to the appearance of the soft buttons, but are merely provided at specific times. In effect, Shoff teaches two completely separate operating modes, an automatic mode and a user-input mode. Shoff's modes are not related to each other such that automatic selections correspond with user selections in the recited way. Accordingly, Applicant finds no teaching or suggestion in Shoff of "executing a script which generates one or more automatic selections associated with the opportunity and comprising input to the interactive application that triggers provision of said added content, the input being input that would otherwise be received responsive to a viewer's active interaction," as is recited in claim 1. For at least these reasons, claim 1 is patentably distinguishable from the cited art. Each of claims 19, 34, and 50 are distinguishable for similar reasons.

Also, the dependent claims recite additional features neither taught nor suggested by the cited art. For example, claim 73 has been amended to recite

"The method of claim 1, wherein said interactive application is configured to provide two or more levels of added content, the method further comprising:

storing an indication of a desired level of added content to display during display of a television program, wherein said automatic selections are based on said indication and said indication is not associated with any particular added content; and
providing said desired level of added content for display in response to detecting said automatic selections."

It is noted that an indication of a desired level of added content to display during display of a program is stored and subsequently one or more automatic selections based on the stored indication are generated and trigger provision of the desired level of added content. On page 2-3 of the present Office Action, the Examiner states Shoff discloses a method including:

“storing an indication of a desired level of added content to display during display of a television program where the indication is not associated with any particular added content and is applicable to all applications which provide an opportunity for display of the desired level of added content (col. 4, line 56-col. 5, line 33, col. 7, line 61-col. 8, line 18, col. 9, line 54-col. 10, line 10 and line 59-col. 11, line 67+), note that the Viewer Computing Unit ‘VCU’ upon receiving an interactive request, stores various level of added content to be displayed and displays various added content (text, graphics, video, picture, sound, etc.).”

However, without agreeing or disagreeing that Shoff discloses storing various levels of added content to be displayed, Applicant submits Shoff does not disclose “storing an indication of a desired level of added content to display,” as is recited in claim 73. Storing various levels of added content is not the same as storing an indication of a desired level of added content to display. Storing various levels of added content also does not require storing an indication of a desired level of added content to display. It is entirely possible for added content to be displayed at various levels in response to specific user inputs at the time the user desires the added content, without storing an indication of a desired level of added content to display.

Further, Applicant notes the Examiner’s acknowledgement on page 4 of the present Office Action that

“Shoff is silent to where the interactive application provides two or more level of added content, and where the automated input is indicative of a particular level of the levels of added content to be displayed.”

The fact that Shoff is silent to providing two or more levels of added content reinforces Applicant’s contention that Shoff does not disclose storing an indication of a desired

level of added content to display. There would be no reason to store an indication of a desired level of added content in a system such as Shoff's that is silent to providing two or more levels of added content. The further fact that Shoff is silent to where the automated input is indicative of a particular level of the levels of added content to be displayed also reinforces Applicant's contention that Shoff does not disclose storing an indication of a desired level of added content to display. If there is no automated input indicative of a particular level of the levels of added content to be displayed, an automated input could not be the source of the indication of a desired level of added content to display that would be stored. Shoff discloses no alternative source for this information. Accordingly, Applicant finds no teaching or suggestion in the cited art of "storing an indication of a desired level of added content to display during display of a television program," as is recited in claim 73. Nor are these features found in Fein. For at least these reasons, claim 73 is patentably distinguishable from the cited art. Each of claims 75, 77, and 79 are distinguishable for similar reasons.

In addition, claim 7 recites

"The method of claim 4, wherein said script is configured to provide at least one of said one or more automatic selections associated with said opportunity at a predetermined time.

On page 5 of the present Office Action, it is suggested that Shoff discloses these features at col. 9, lines 41-49, col. 11 and lines 21-24 and line 48-col. 12, line 1+. However, Shoff discloses two operating modes. In a first mode, there is input from a user in response to opportunities for interactivity. In a second mode, time-linked contextual information is provided automatically at pre-programmed times. Shoff neither teaches nor suggests that the time-linked contextual information is associated with the opportunities presented to the user for providing user inputs. Nor are these features found in Fein. For at least these reasons, claim 7 is patentably distinguishable from the cited art. Each of claims 16, 24, 31, 40, 47, 59, and 66 is distinguishable for similar reasons.

In addition, claim 11 recites

“The method of claim 1, wherein said script is dynamically created based on user preferences.”

Applicant finds no teaching or suggestion in the cited art of a script or a similar feature created dynamically based on user preferences. For at least these reasons, claim 11 is patentably distinguishable from the cited art. Each of claims 28, 44, and 63 is distinguishable for similar reasons.

In addition, claim 12 recites

“The method of claim 1, further comprising:
indicating default script usage preferences; and
storing said preferences.”

On page 6 of the present Office Action, it is suggested that Shoff discloses these features at col.10, line 59-col. 11, line 33. However, the cited portion of Shoff merely recites various “soft buttons” that may be selected by a user to interact with a program. One of the soft buttons is a toggle between an access mode and a classified mode. Shoff teaches that the access mode serves as a default mode. However, selecting the default access mode does not indicate or store default script usage preferences, since the access mode does not use a script at all. Instead, the access mode merely accepts interactive inputs from the user. Nor does the classified mode include indicating or storing default script usage preferences. Even if one were to assume, for the sake of argument, that having a default mode that does not use scripts is a default script usage preference, nowhere does Shoff describe receiving or storing an indication of preferences for script usage. These features are also not found in Fein. For at least these reasons, claim 12 is patentably distinguishable from the cited art. Each of claims 29, 45, and 64 is distinguishable for similar reasons.

In addition, claim 13 recites

“identifying a particular future program;
associating one or more script usage preferences with the identified
program; and
storing said preferences.”

It is noted that script usage preferences are associated with particular programs. In contrast, Shoff merely discloses two modes, a user-input mode and an automatic mode. Nowhere does Shoff describe associating the mode with particular programs, let alone associating script usage preferences with particular future programs. Nor are these features found in Fein. For at least these reasons, claim 13 is patentably distinguishable from the cited art. Each of claims 33, 49, and 68 is distinguishable for similar reasons.

In addition, claim 14 recites

“The method of claim 1, wherein said script is downloaded and said input to the interactive application is not included in said script.”

What is to be appreciated from the above is that, although a script is downloaded, it does not include the inputs to the interactive application. Only after the script is executed are the automatic selections produced that constitute input to the interactive application. In contrast, Shoff merely discloses digital data that defines supplemental content and timing information to synchronize presentation of the supplemental content. All of Shoff's digital data is included in any downloaded information. Accordingly, Applicant finds no teaching or suggestion in the Shoff that “input to the interactive application is not included in said script,” as is recited in claim 14. Nor are these features found in Fein. For at least these reasons, claim 14 is patentably distinguishable from the cited art. Each of claims 30, 46, and 65 is distinguishable for similar reasons.

In addition, claim 15 recites

“The method of claim 1, wherein a receiver is configured to:
dynamically create said script; and

execute said script to generate said one or more automatic selections.”

On page 6 of the present Office Action, it is suggested that Shoff discloses where the icon is dynamically created at col.10, line 59-col. 11, line 33. However, the cited portion of Shoff merely recites a classified mode of operation in which time-linked contextual information is provided. Applicant has reviewed both the cited portion and the remainder of Shoff and finds no teaching or suggestion of dynamically creating a script. More particularly, Applicant finds no teaching or suggestion that the script is created in a receiver in order to generate one or more automatic selections. Nor are these features found in Fein. For at least these reasons, claim 15 is patentably distinguishable from the cited art. Each of claims 31, 47, and 66 is distinguishable for similar reasons.

Also, Applicant notes the Examiner has not responded to Applicant’s arguments regarding claims 9, 17, 18, 26, 32, 42, 48, 61, and 67. The rejection presented in the present Office Action is identical to the rejection presented in the Office Action dated June 18, 2007. Applicant respectfully requests reconsideration of these rejections in view of the previously presented arguments.

In addition, claim 9, as amended, recites

“The method of claim 17, wherein said interactive application is configured to retrieve either said one or more automatic selections or said one or more user selections from said message queue.”

It is noted that automatic selections and user selections are retrieved from a single message queue. From the standpoint of the interactive application, the source of the selections that are retrieved from the message queue can’t be determined. Applicant finds no such features anywhere in the cited art. For at least these reasons, claim 9 is patentably distinguishable from the cited art. Each of claims 26, 42, and 61 is distinguishable for similar reasons.

Applicant believes the application to be in condition for allowance. However, should the examiner believe issues remain, the below signed representative would greatly appreciate, and requests, a telephone interview at (512) 853-8866 to facilitate a speedy resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-03400/RDR.

Respectfully submitted,

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